

PROB 12B
(12/98)

United States District Court

for

District of Southern Ohio

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender:	Daniel S McKinney	Case Number: 1:02CR00093
Name of Sentencing Judicial Officer:	The Honorable Herman J. Weber Senior United States District Judge	
Date of Original Sentence:	February 13, 2003	
Original Offense:	Theft of Bank Funds, a violation of 18 U.S.C. § 2113(b)	
Original Sentence:	60 month(s) probation	
Type of Supervision: Probation	Date Supervision Commenced: February 13, 2003	

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows: **The probationer shall pay \$50 a week towards his outstanding restitution balance, as directed by the Court.**

CAUSE

On April 28, 2006, the offender appeared before Your Honor for the purpose of a probation violation hearing. As a result of the hearing, Mr. McKinney was ordered continued on probation, with a stipulation that he pay \$50 a week towards his outstanding restitution balance. He has been directed to report back to the Court on Wednesday, July 12, 2006 at 9:00 a.m. for a status hearing regarding his progress on probation.

On May 8, 2006, this officer met with the offender to discuss the proposed modification. This officer explained his rights to counsel and a modification hearing in detail. McKinney stated he understood his rights completely, and wanted to waive those rights because he was in agreement with the condition. He signed the waiver form. The offender's attorney, Ransom Hudson, Esq., advised he did not have any objection to the proposed modification.

Based on these factors, this officer respectfully recommends the Court grant the proposed modification.

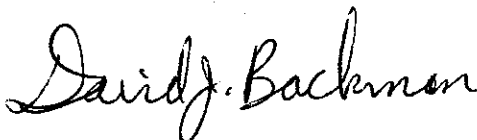
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Respectfully submitted,

Approved,

by

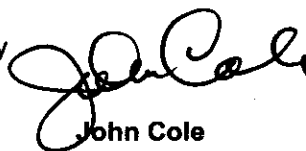


David Backman

U. S. Probation Officer

Date: **May 9, 2006**

by



John Cole

Supervising U. S. Probation Officer

Date: **May 9, 2006**

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

15/15/06
Date

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

That the defendant shall pay \$50 a week towards his restitution balance.

Witness: *David Bachman*
U.S. Probation Officer

Signed: *[Signature]*
Probationer or Supervised Releasee

May 8, 2006

DATE